

**REMARKS**

Claims 1-32 are currently pending. No amendments are made to the claims, specification, or drawings. Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

**Double Patenting**

The Office Action provisionally rejects claims 1-32 on the grounds of nonstatutory obviousness type double patenting as being unpatentable over claims 1-26 of copending Application No. 10/481,392 (see also U.S. Patent Application Publication 2006/0233307).

Applicants do not concede that the obviousness type double patenting is proper. However, solely in the interest of expedience, Applicants have included herewith a terminal disclaimer which disclaims the terminal part of the term of any patent granted on the current application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 10/481,392.

Accordingly, Applicants submit that the provisional double patenting rejection has been obviated.

**Conclusion**

Applicant believes that there is no longer any proper basis for the double patenting rejection. Applicant therefore submits that present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

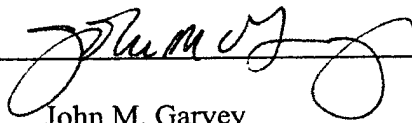
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 2, 2009

FOLEY & LARDNER LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199  
Telephone: (617) 342-4049  
Facsimile: (617) 342-4001

By   
John M. Garvey  
Attorney for Applicant  
Registration No. 37,833